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3763

PTO/SB/21 (09-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/497,620
Filing Date	February 3, 2000
First Named Inventor	Ott, et al.
Art Unit	3763
Examiner Name	Mendez, Manuel A.
Attorney Docket Number	1-15368

Total Number of Pages in This Submission

Attorney Docket Number

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Request for Consideration of an Additional IDS & Attachments
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MARSHALL & MELHORN, LLC		
Signature			
Printed name	D. Edward Dolgorukov		
Date	10/31/05	Reg. No.	26,266

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Signature			
Typed or printed name	D. Edward Dolgorukov	Date	10/31/05

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Lisa Donbrosky

Lisa Donbrosky
(signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
DOUGLAS E. OTT, et al.)	Group Art Unit 3763
Serial No. 09/497,620)	Examiner: Mendez, Manuel A.
Filed: February 3, 2000)	
For: METHOD AND APPARATUS)	Attorney Docket 1-15368
FOR CONDITIONING GAS FOR)	
MEDICAL PROCEDURES)	
HAVING HUMIDITY AND)	
RECHARGE ALERT)	

October 31, 2005

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REQUEST FOR CONSIDERATION OF AN ADDITIONAL INFORMATION
DISCLOSURE STATEMENT SUBMITTED BEFORE MAILING OF THE NOTICE
OF ALLOWANCE

Honorable Sir:

For reasons set forth below, it is respectfully requested that the US Patent and Trademark Office file for this application be promptly forwarded to Examiner Mendez, for confirmation that the references listed on PTO-1449 attached to the Information Disclosure Statement filed have been considered.

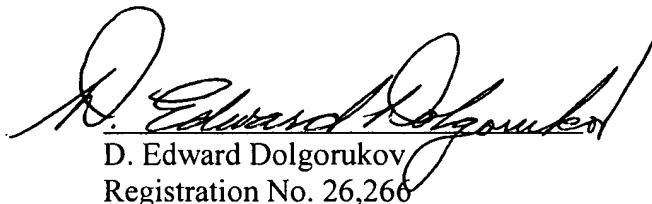
On October 11, 2005, Applicants submitted a "Request for Consideration of an Information Disclosure Statement Submitted Before Mailing of the Notice of Allowance". Further review of the file shows the need to file a "Request for Consideration of an Additional Information Disclosure Statement Submitted Before Mailing of the Notice of Allowance".

On July 19, 2004, Applicants filed an Information Disclosure Statement ("IDS") with PTO-1449 form attached by facsimile, listing the references submitted for consideration. Copies of the cited references were also included. An Amendment was filed at the same time. This IDS was received at the US Patent and Trademark Office on July 19, 2004, as shown on the PTO "Auto-Reply Facsimile Transmission", copies of which are attached. For the convenience of the Examiner, a copy of the IDS and the cited references filed July 19, 2004 are enclosed.

The Notice of Allowance for this application was mailed on September 21, 2005. However, Examiner Mendez has not returned a copy of the PTO-1449 form indicating consideration of the references cited in the IDS filed July 19, 2004.

Accordingly, Applicant hereby requests confirmation of consideration of the previously filed IDS. Examiner Mendez is requested to initial the references listed on the PTO-1449 form to show that they were appropriately considered during examination of this application. The Commissioner is hereby authorized to credit any overpayment, or to charge any additional fee required by this paper, to Deposit Account No. 13-1816 of Marshall & Melhorn.

Respectfully submitted,

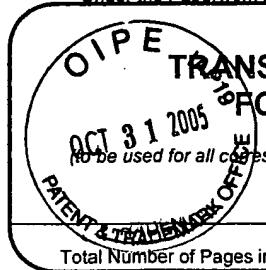


D. Edward Dolgorukov
Registration No. 26,266

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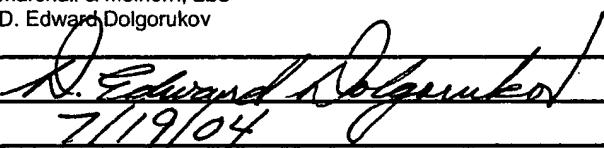
Marshall & Melhorn, LLC
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Toledo, Ohio 43604
(419) 249-7100
(419) 249-7151 (Facsimile)

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		Application Number	09/497,620
		Filing Date	February 3, 2000
		First Named Inventor	Douglas E. Ott, et al.
		Art Unit	3763
		Examiner Name	M. Thompson
		Total Number of Pages in This Submission	1
		Attorney Docket Number	1-15368

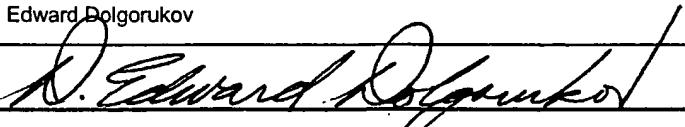
ENCLOSURES (Check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Remarks	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Marshall & Melhorn, LLC D. Edward Dolgorukov
Signature	
Date	7/19/04

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Typed or printed name	D. Edward Dolgorukov		
Signature		Date	7/19/04

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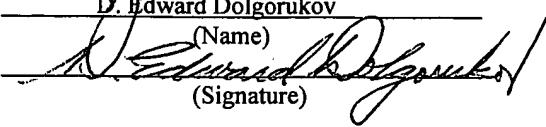


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July 19, 2004

D. Edward Dolgorukov

(Name)


(Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
DOUGLAS E. OTT, et al.,) Group Art Unit 3763
Filed: February 3, 2000) Examiner M. Thompson
Serial No. 09/497,620) Attorney Docket 1-15368
For: METHOD AND APPARATUS FOR)
CONDITIONING GAS FOR MEDICAL)
PROCEDURES HAVING HUMIDITY)
MONITORING AND RECHARGE ALERT)

July 19, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

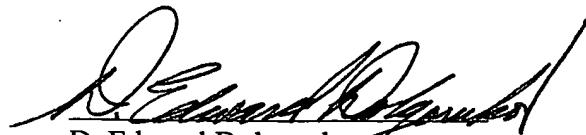
Honorable Sir:

Pursuant to Section 1.97 of Title 37 of the Code of Federal Regulations, record is hereby made of information, which the United States Patent and Trademark Office may wish to consider during examination of the above-entitled application. No representation is made or intended that a prior art search was conducted, or that no better information than that listed is available.

A copy of each document is listed on the attached Form PTO/SB/08B enclosed herewith. It is requested that they be fully considered and made of record in this case.

The present information disclosure statement is being filed before a final action on the merits, and within three (3) months from the date that each item listed in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this information disclosure statement. No fee is believed due, as this information disclosure statement is being filed under the provisions of 37 C.F.R. 1.97(e).

Respectfully submitted



D. Edward Dolgorukov
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Substitute for form 1449/PTO

OCT 31 2005

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	09/497,620
Filing Date	February 3, 2000
First Named Inventor	Douglas E.Ott,et al.
Art Unit	3763
Examiner Name	M. Thompson
Attorney Docket Number	1-15368

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
		DE 195 10710 A1	09-19-1996	Mueller, Bernd	See Attached
		WO 98/26826	06-25-1998	Cook, William A.	See Attached
		Supplementary Search Report	05-04-2004		See Attached

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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JUL-19-04 02:38PM FROM MARSHALL & MELDRUM +418-248-7151 T-159 P 18/47 E-26

ment the internal filter of the heated regulator 8 with a separate filter 12, to be described in greater detail. The heated regulator system is thus "fail-safe," preventing the emergency safety relief valve, and is pre-set at 100° F., protecting the gas delivery system and the patient from malfunctions in the gas source and associated regulator. Implementation of the heated regulator 8 should possess the characteristics that are fail-safe, durable and easy to operate.

Tubing connects the heated regulator 8 on gas source 2 to provide gas to filter 12. The tubing 10 may be implemented with a 0.15-inch outside diameter polyethylene tubing, manufactured by Tubing Corporation, a division of Beacon Hose Manufacturing Company, Cheshire, N.J. 07623.

Charlotte, N.C. 28208.

The tubing 10 (and tubing used generally throughout the device, unless otherwise noted) performs the function of carrying gas from a source to a destination. Alternative implementations of certain lengths of the tubing include passageways integrally formed within the material 10, as will be described below, which comprise the body of the gas delivery system. For connections outside the main body of the gas delivery system, alternative implementations of tubing include insulated copper tubing or stainless steel tubing or polyvinyl chloride tubing, depending on the medical requirements of the gas being used. Implementations of the tubing 10 should also possess the characteristics that they minimize heat loss to the environment.

Minimization of heat loss in the environment facilitates predictive temperature control of the gas, which is primarily heated within the gas delivery system body before traversing progressively that channel before reaching the patient. Tubing which is external to the main block 1 and tubing which is contained within the main block 1 is made of a conductive material, thermally insulated, using, for example, 0.254 outside diameter polyvinylchloride tubing, Model No. PPA401500, by Parker Hose Division, 30240 Lakeland Drive, Wickliffe, Ohio 44092. Other desirable tubing characteristics include being inert to the gas being used, durability and approval for medical use.

A filter 12 removes foreign matter from the gas prior to the gas entering the body of the delivery system. The filter 12 is preferably implemented with a gas filter manufactured by Wilkerson Corporation of P.O. Box 127, Englewood, Colo. 80150, as Part/Model No. FOF-00-000. The filter 12 is connected to the heated regulator 8 to receive heated gas, and provides pure, filtered gas to a primary burner 16.

The filter 12 supplements any filter in the heating regulator 8 in removing undesired substances which may have entered the gas. (Such substances may include water droplets or metallic fragments inadvertently expelled from the gas source 2 into the gas.) Implementation of the filter 12 should allow removal of moisture and metallic filings by easily replaceable, and be compatible with the gas being used.

Gas passes through tubing 14 from filter 12 to primary heater 16. The primary heater 16 may be implanted with a heater having the characteristics of a heater manufactured by CalCo Controls, Inc., 318 Cal Point Drive, Cary, Ill., 60018 as Model No. 300F, Part No. RME-3-1 (CO_2 , CGA 320, 300 cu ft/hr.). The primary heater 16 heats the smoothly flowing, filtered gas to a desired temperature.

For reasons described elsewhere in this specification, it is preferable in many scenarios that the temperature

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it enters the patient be the body temperature of patient, so that the endoscopic or medical procedures carried out under physiologic, or near-physiologic conditions. However, it is understood that the procedure may be practiced using any desired gas temperature, including temperatures which may be different from the patient's body temperature.

from the patient's body temperature. Generally, the temperature of the gas at the primary heater 16 will be different than the gas at the point of administration to the patient, at the level of pain 52. The heat loss will be the primary factor in determining the degree of heat loss, approximately 32° F. as in the case of colonoscopy. Heat loss for other medical procedures may be less depending on the amount of heat given.

13. From the instrument attached to the output of main block 1. Concerning colonoscopy, due to these losses to atmosphere, to the light source and to the endoscopic components which are lower than body temperature, the temperature of the gas at the primary heater 16 will generally have to be set higher than body temperature. The degree of heat loss may be measured.

Unpredictability or variation of heat loss are minimized by isolating any tubes which are external to the equipment, and by controlling the temperature of the equipment through which the gas must pass before being administered to the patient. In embodiments in which the main body 1 of the gas delivery system is a block of, e.g., insulated stainless steel, the task of minimizing (or at least predictably controlling) heat loss is facilitated by controlled heating of the unchanged

physical configuration of the device. Enhancement of control of the temperature of primary heater gas is achieved by feedback of secondary temperature measurements made at the point of highest temperature, S_2 . In such an embodiment, the temperature sensor 22 is replaced by a temperature sensor 22' along path S_2 , and is linked with a thermostat 30. The temperature sensor 22' may be, for example, adapted to 240°. Ranco 060-100 capillary and bulb sensor, manufactured by Ranco Control, 8115 Union Route 242, Plain City, Ohio 43064.

Trim thermostat 20, when used in conjunction with temperature sensor 13, is calibrated to reflect a greater difference in temperature between measured temperature (at 53) and heater temperature (at 16) than if temperature sensor 22 is employed, as will readily be appreciated by those skilled in the art. In any of these temperature feedback control methods, the gas finally administered to the patient may be controlled to a medical optimum temperature.

Other heaters associated with the gas delivery system, such as the heater in heated regulator 8 and heating elements used in conjunction with the control heater 56 (described above), are considered auxiliary function to primary heater 16. It is the primary responsibility of primary heater 16 to heat the gas to the temperature which will ultimately cause the administered gas to be of the desired temperature as required by physician.

60 physician. Implementations of the primary heater 16 should a
61 possess the characteristic that it reliably heat the gas
62 a controlled and accurate manner. In a preferred embodiment, primary heater 16 is provided with an internal
63 safety mechanism which has been preset at a maximum
safe temperature of, for example, 107° F.

PAGE 103 * RCVD AT 7/19/2004 2:43:35 PM (Eastern Daylight Time) * SVR:USPTO-EFXRF-1/2 * DNI:8729302 * CSID:4419 249 7151 * DURATION (mm:ss):14